

110TH CONGRESS
1ST SESSION

H. R. 4336

To direct the Secretary of Transportation to issue a regulation requiring the installation of a second cockpit voice recorder and digital flight data recorder system that utilizes combination deployable recorder technology in certain commercial passenger aircraft.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 6, 2007

Mr. PRICE of North Carolina (for himself, Mr. DUNCAN, Mr. ROGERS of Kentucky, Mr. CAPUANO, Mr. ETHERIDGE, Mr. PASCRELL, Mr. ROTHMAN, Mr. TERRY, and Mr. BOOZMAN) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To direct the Secretary of Transportation to issue a regulation requiring the installation of a second cockpit voice recorder and digital flight data recorder system that utilizes combination deployable recorder technology in certain commercial passenger aircraft.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Safe Aviation and
5 Flight Enhancement Act of 2007”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) Since 1996, eight major commercial air ac-
4 cidents have occurred in which the immediate cause
5 was unknown and recovery of flight data and cockpit
6 voice recorder units (“black boxes”) was signifi-
7 cantly delayed. On average, it has taken investiga-
8 tors 8 days to recover flight data recorders and 15
9 days to recover cockpit voice recorders from the
10 wreckage of these accidents.

11 (2) Failure to recover the flight data and cock-
12 pit voice recorder units aboard the commercial air-
13 craft involved in the events of September 11, 2001,
14 demonstrated that fixed recorder technology is not
15 adequate.

16 (3) The 9/11 Commission staff recommenda-
17 tions state that the Transportation Security Admin-
18 istration (referred to in this Act as “TSA”) and
19 Federal Aviation Administration (referred to in this
20 Act as “FAA”) should take steps to improve the
21 survivability of flight data recorders and cockpit
22 voice recorders to ensure that complete and reliable
23 information is available to investigators in the after-
24 math of a terrorist attack.

25 (4) The thwarted August 10, 2006, terrorist
26 bombing attempt, which threatened multiple aircraft

1 en route from the United Kingdom to the United
 2 States, demonstrates that continued threats to com-
 3 mercial airliners, particularly to those aircraft oper-
 4 ating long-distance flights over ocean waters, remain
 5 a national security concern.

6 (5) The recent FAA ruling to increase the al-
 7 lowable distance that extended-operation multiengine
 8 aircraft (known as ETOPs) can travel from an
 9 emergency or diversion airport increases the poten-
 10 tial for more difficult location and recovery of fixed
 11 flight data and cockpit voice recorder units.

12 (6) It is in the public interest that aircraft be
 13 equipped with recorder units that can be recovered
 14 immediately after an incident involving an aircraft.

15 **SEC. 3. REGULATIONS REQUIRING DEPLOYABLE RECORD-**
 16 **ERS AND OTHER PURPOSES.**

17 (a) IN GENERAL.—Chapter 447 of title 49, United
 18 States Code, is amended by adding at the end the fol-
 19 lowing:

20 **“§ 44729. Installation of additional flight recorders**

21 **“(a) REGULATIONS.—**

22 **“(1) IN GENERAL.—**Not later than 90 days
 23 after the date of enactment of this section, the Sec-
 24 retary of Transportation shall issue regulations that
 25 require in accordance with this section all commer-

1 cial aircraft in extended-range operations that are
2 required to carry fixed cockpit voice recorder and
3 digital flight data recorder units also be equipped
4 with a second recorder system that utilizes
5 deployable combination cockpit voice and digital
6 flight data recorder technology. The second
7 deployable recorder system shall be mounted as far
8 rear on the airframe as practicable.

9 “(2) MINIMUM CAPABILITIES.—The deployable
10 recorder system shall be—

11 “(A) capable of recording all mandatory
12 data parameters covering the previous 25 hours
13 of operation and all cockpit audio, including
14 controller-pilot data link messages for the pre-
15 vious 2 hours of operation;

16 “(B) powered by the electrical bus to pro-
17 vide the maximum reliability for operation with-
18 out jeopardizing service to essential or emer-
19 gency loads; and

20 “(C) provided with an independent power
21 source that is located with the combination re-
22 corder and that automatically engages and pro-
23 vides 10 minutes of operation whenever normal
24 aircraft power ceases.

1 “(b) SCHEDULE FOR INSTALLATION OF SECOND
2 COMBINED SYSTEM.—The regulations shall require the
3 installation of the deployable combination recorder system
4 required under this section on commercial aircraft that are
5 ordered by an air carrier on or after January 1, 2009.

6 “(c) DEFINITIONS.—In this section, the following
7 definitions apply:

8 “(1) COMMERCIAL AIRCRAFT.—The term ‘com-
9 mercial aircraft’ means—

10 “(A) a jet aircraft with 10 or more seats
11 or greater than 12,500-pound maximum takeoff
12 weight; and

13 “(B) a propeller-driven aircraft with great-
14 er than 19 seats or greater than 19,000-pound
15 maximum takeoff weight.

16 “(2) DEPLOYABLE RECORDER SYSTEM.—The
17 term ‘deployable recorder system’ means a digital
18 flight data recorder, cockpit voice recorder, and
19 emergency locator transmitter housed as one unit
20 within an assembly that is designed to be mounted
21 conformal to the surface of the airframe, to eject
22 from the aircraft upon accident and safely land away
23 from the crash site, and to float indefinitely on
24 water.

1 “(3) EXTENDED-RANGE OPERATIONS.—The
 2 term ‘extended-range operations’ means commercial
 3 aircraft operations in compliance with the Federal
 4 Aviation Administration’s extended operations
 5 (ETOPs) of multiengine airplanes rule (RIN 2120–
 6 A103) permitting multiengine, aircraft described in
 7 parts 121 and 135 of title 14, Code of Federal Reg-
 8 ulations, to fly up to 240 minutes of single-engine
 9 flying time from an adequate airport.”.

10 (b) CONFORMING AMENDMENT.—The analysis for
 11 such chapter is amended by adding at the end the fol-
 12 lowing:

“44729. Installation of additional flight recorders.”.

13 **SEC. 4. PURCHASE OF DEPLOYABLE RECORDER SYSTEMS.**

14 (a) IN GENERAL.—The Secretary of Transportation
 15 shall reimburse an air carrier (as defined in section 40102
 16 of title 49, United States Code) for the costs of purchasing
 17 and installing deployable recorder systems, including engi-
 18 neering, certification, equipment, and installation costs, in
 19 order for the air carrier to comply with the regulations
 20 issued under section 44729 of such title.

21 (b) REASONABLE AMOUNT.—Not later than 90 days
 22 after the date of enactment of this Act, the Secretary of
 23 Transportation shall issue regulations that set forth what

- 1 constitutes a reasonable amount for reimbursement under
- 2 subsection (a).

